

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY TS D.C.

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UNITED STATES OF AMERICA

v.

JOHN SIMMONS

No. 05cr20211-D

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TENNESSEE

ORDER CONTINUING ARRAIGNMENT AND
SPECIFYING PERIOD OF EXCLUDABLE DELAY UNDER THE SPEEDY TRIAL ACT

The Court had previously ordered that the defendant be transferred to a suitable hospital or facility selected by the Court for pretrial examination pursuant to 18 U.S.C. § 4241 to determine defendant's mental competency to stand trial. On October 20, 2005, the court conducted a competency hearing, at which time the parties stipulated to the findings and opinions contained in the report, and jointly moved the court to transfer the defendant to a suitable hospital or facility to be restored to competency.

The arraignment shall be continued while defendant's competency is pending and that the ends of justice served by such a continuance outweigh the best interest of the public and the defendant in a speedy trial.

It is therefore ORDERED that pursuant to 18 U.S.C. §3161(h)(1)(A) the time period of 10/20/2005 through 02/22/2006 be excluded from the time its imposed by the Speedy Trial Act for trial of this case.

**ARRAIGNMENT RESET TO WEDNESDAY, FEBRUARY 22, 2006, AT 10:00 AM
BEFORE MAGISTRATE JUDGE DIANE K. VESCOVO.**

This 3 day of November, 2005.

TU M. PHAM
TU M. PHAM
UNITED STATES MAGISTRATE JUDGE

This document entered on the docket sheet in compliance
with Rule 55 and/or 32(b) FRCP on 11/4/05

(31)



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Honorable Bernice Donald
US DISTRICT COURT